

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:09-CT-3056-D


ROBERT DARRELL SMITH, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
SHERIFF KEN SEALY, et al., )  
 )  
Defendants. )

**ORDER**

Robert Darrell Smith ("Smith" or "plaintiff") filed this action under 42 U.S.C. § 1983 [D.E. 1]. On February 10, 2011, the court received as undeliverable mail the court sent to Smith at his address of record [D.E. 27]. Smith has failed to provide the court with his new address. See Local Civil Rule 83.3, EDNC. Therefore, on April 19, 2011, the court directed Smith to show cause not later than May 6, 2011, why the action should not be dismissed for failure to prosecute [D.E. 33].

On April 25, 2011, the court received as undeliverable the copy of the April 19, 2011 order sent to Smith [D.E. 34]. Accordingly, the action is DISMISSED without prejudice, and defendants' motion to dismiss [D.E. 28] is DENIED without prejudice. The Clerk of Court is directed to close this case.

SO ORDERED. This 29 day of April 2011.

  
JAMES C. DEVER III  
United States District Judge